

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

A.P.Land Reforms (COAH) Act, 1973 - Nellore District - Rapur (M), Gundavolu (V) - Exemption of land to an extent of 431 Acres and 81 cents of land situated at Sy.No.339 under section 18(2) of the Land Reforms (Ceiling on Agricultural Holding) Act, 1973 in favour of M/s SFR Resorts Pvt. Ltd. – Orders – Issued.

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REVENUE (LAND REFORMS) DEPARTMENT

G.O.Ms.No. 533

Dated:8th October, 2013

Read the following:-

- 1) Letter from the Director, SFR Resorts Pvt. Ltd, dated Nil.
- 2) From the District Collector Letter Rc.No.5250/2008, dated 21/11/2012.
- 3) From the CCLA's Ref.No.ALC3/381/2012, dated 05.02.2013 and 28.6.2013.

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O R D E R:

In the reference 1st read above, the Director, SFR Resorts Pvt. Ltd, has requested to exempt land to an extent of 431 Acres and 81 cents situated at Sy.No.339 of Gundavolu (V), Rapur (M), Nellore District under Section 18(2) of the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 as the lands were acquired for non agricultural purpose. Further, they have stated that the object of the company is to develop and run holiday resorts to promote tourism and thereby give a boost to export development and to carry on the business of Hotels, Restaurants, Catering, Lodging, Houses, Club, including Health Clubs, laundries etc., in the said land acquired by the company for non-agricultural purpose.

2. In the reference 2nd read above, the District Collector Nellore has stated that Sarapanch and others of Gundavolu of Rapur Mandal has submitted a representation that M/s S.F.R. Resorts Private Limited has purchased lands to an extent of Acs. 428.53 cents in Sy.No. 339 of Gundavolu Village of Rapur Mandal of Sri Potti Sreeramulu Nellore District and it is inam land and some of the landlords in the village have sold away the land to the said company by creating bogus PPBs and requested to enquire into the matter. He has further reported that the matter has been got enquired by the Revenue Divisional Officer, Nellore. The RDO, Nellore, in his report has submitted that M/s S.F.R. Resorts Pvt Ltd. Has purchased the land to an extent of Acs 428.53 cts in Sy.No.339 of Gundavolu Village of Rapur Mandal from (33) pattedars through registered sale deeds during the year 1997 to 1999. The Revenue Divisional Officer-cum-Chairman, Land Reforms Tribunal, Nellore issued notices to the SFR Resorts company, to file declarations U/s 18 (1) of Land Reforms Act on 26-11-2008 ,23-2-2008, 19-3-2008, 7-7-2008, 30-7-2008, 14-10-2008, 28-11-2008, 10-12-2008 and 26-6-2009.

3. The Company failed to file declarations under the provisions of the Land Reforms Act. Subsequently, Sri. Syed Fazullur Rahman one of the directors of the Company has stated that the said land is company land and not the individual land , that they have purchased the said land in the name of the Company i.e.,M/s SFR Resorts Pvt. Ltd. for doing business in tourism. He further stated that the above said company purchased the above extent of Ac. 431.81 in Gundavolu village, represented by 5 of its directors under separate sale deed and that all the said 5 directors, purchased the said land on behalf of

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the above company and that the lands were also under the possession and enjoyment of the company. They finally stated that they have also applied to the Government U/s 18(2) of the Andhra Pradesh Land Reforms Act, for exemption. The Land Reforms Tribunal enquired the issue in detail and ordered on 17-8-2009 that as per section 18(1) of the Land Reforms Act, 1973 they should file declaration within 60 days from the date of such acquisition of the land. But the company has failed to file any declaration or any exemption certificate U/s 18(2) of the Act obtained from the Government and also not submitted any explanation or reasons for not filing declaration under the provisions of the Land Reforms Act. Though notices were issued to the Company several times. Thus it is held that the company having land of an extent of Acs.431.81 cents equivalent to 8.6362 SH. The company is entitled to hold 1.0000 SH., But the company held the land in excess of the ceiling area to the extent of 7.6362 SH., which the company is liable to surrender to the Government U/s 10(1) of the Act and to file surrender statement before the Land Reforms Tribunal on or before 30-09-2009 but the company has not given any reply or filed surrender statement in response to the above notice.

4. The Tahsildar, Rapur (M), inspected the lands to an extent of Acs.431.81 held by the company in Sy.No.339 of Gundavolu village and selected Acs.381.81 U/s 10(4) of the land Reforms Act. Subsequently, the Revenue Divisional Officer, Nellore issued a public notice in form No.8 calling for any objection, within 15 days, from the date of publication, for taking over the land. The Hon'ble Lokayukta while communicating order directed the company to file surrender statement on or before 30-9-2009 to the Government, failing which the land will be selected by the Tribunal and directed the Revenue Divisional officer to submit further report as to the action taken as well as status of the matter. By the next date of hearing on 3-11-2009. Again, the Hon'ble Lokayuktha directed the Revenue Divisional Officer stating that as Tahsildar Rapur submitted proposals U/s 10(4) of the Act and form No.8 notice was also issued for publication and after receipt of published copy of form No.8 further action shall be taken and posted the case to 17-12-2009. Meanwhile, the Company has filed an appeal before the Land Reforms Appellate Tribunal Nellore praying to stay all further proceeding and passed by the lower Tribunal in CC.No. 1/RPR/2009 dated 17-8-2009 and the Land Reforms Appellate, Tribunal issued **status quo** orders on the appeal and ordered to stop all further proceeding till the disposal of the appeal. The above information was also reported to the Hon'ble Lokayukta on 16-12-2009. the Hon'ble Lokayukta directed the Revenue Divisional Officer to see that the appeal is disposed of expeditiously and to submit a report by the next date of hearing on 22-2-2010. The Land Reforms Appellate Tribunal in its order in I.A.No.1575/2009 in LRA No.1/2009 dated 8-4-2011 dismissed the appeal filed by the Company and confirmed the order of the Land Reforms Tribunal. Again the Hon'ble Lokayukta directed the Revenue Divisional officer, Nellore to submit further status report by the next date of hearing on 9-6-2011. The Land Reforms Tribunal accepted an extent of Acs.381.81 equivalent to 7.6362 SH, as per proposals submitted by the Tahsildar, Rapur, U/s 10(4) of the Act vide order in CC. 1/RPR/2009. dated 4.6.2011. Accordingly the Tahsildar, Rapur (M) has taken possession of the above land from the Company on 8-6-2011 and submitted form No.10 to the Revenue Divisional Officer, Nellore. Again the Hon'ble Lokayukta directed the Revenue Divisional Officer, Nellore to submit further report as to the actual taking possession of the excess land by the authorities by the next date of hearing i.e., 19.8.2011. Accordingly, a report was submitted to the Hon'ble Lokayukta that the surplus land is in the possession of the Government.

5. Subsequently, the company has filed a Civil Revision Petition No.2242/2011 before the Hon'ble High Court of A.P against the proceeding of the Land Reforms Tribunal in CC.No.1/RPR/2009, dated 17-8-2009 and the

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Hon'ble High Court in CRP.MP.No.3166/2011 in CRP.No.2242/2011 dated 22-6-2011 granted interim stay as prayed for. Again one of the Director of the company, Smt. Syed Malika Akhtar W/o Aktar Basha filed a CRP. No. 2114/2011 before the Hon'ble High Court of Andhra Pradesh to stay all further proceeding pursuant to the orders passed on 17-8-2009 by the Land Reforms Tribunal in CC.No.1/RPR/2009. The Hon'ble High Court in its order in CRP.MP.NO.2968/2011 in CRP.No.2114/2011 on 15-6-2011 issued interim stay on the proceeding dated 17-8-2009. The Land Reforms Appellate Tribunal, to proceed to hear the appeal notwithstanding the pendency of this CRP and in case the appeal is rejected and it shall be open to the respondents to take further action. The lands of Acs.381.81 belonged to the Company were taken possession on 8-6-2011, as per the orders of the Land Reforms Tribunal U/s 10(4) of the Act, dated 4-6-2011. The Hon'ble High Court issued interim stay in CRP MP. No. 3166/2011 in CRP.No.2242/2011 on 22-6-2011. The lands were already taken possession on 8-6-2011 and vested with the Government. But the order of the Hon'ble High Court passed on 22-6-2011. This has become infructious.

6. The District Collector, Nellore has also reported that the Company has filed a Contempt case No. 1172/2012 before High Court of A.P Hyderabad stating that the lands were taken possession and handed over to the Engineering Department in R&R programme and violated the orders of the Hon'ble High Court orders and to punish the respondents for committing contempt of the Order of this Hon'ble Court in WP. MP. No. 29546 of 2008 in W.P.No.22691 of 2008 dated 20-10-2008. The Revenue Divisional Officer, Nellore and Tahsildar, Rapur have filed the counter before High Court of Andhra Pradesh and contempt case is pending before High Court of Andhra Pradesh. Further the Revenue Divisional Officer, Nellore has reported the M/s SFR Resorts Private Limited Company, Chennai has filed W.P.No.22691/2008 against the acquisition of land measuring Acs.60.00 in Sy.No.339 of Gundavolu village for the purpose of formation of R.R Centre to the oustees of submerged villagers under kandaleru Reservoir and also requested to direct the respondents i.e. District Collector, Revenue Divisional Officer, Nellore and Tahsildar, Rapur not to prevent the Petitioners Company and its men from taking steps to cultivate or develop the land belonging to the petitioner Company, till disposal of the W.P.No.22691/2008. The High Court in its order in W.P.M.P.NO. 29546 of 2008 in W.P.No.22691/2008, dated 20-10-2008 issued Status- Quo Orders as on the date to be maintained until further orders. While the matter stood thus, Sri. Md. Gouse Basha, M/s SFR Resorts Private Limited, Chennai has filed before the Hon'ble Lokayuktha, The Registrar, and Institution of Hon'ble Lokayukta Andhra Pradesh. Hyderabad in the letter Dis. No. 971/08/B1/LOK/112/2009, dated 28-1-2009 communicated the order of the Hon'ble Lokayukta dated 27-1-2009 in complaint No.971/2008/B1, in which the Collector, Nellore was directed to examine the issue under the provisions of the Andhra Pradesh Land Reforms Act and to issue necessary directions to the concerned Land Reforms Tribunal as the company SFR Resorts Pvt. Ltd., purchased an extent of Acs.425.32 in Sy.No.339 of Gundavolu village of Rapur Mandal and that the Company failed to file any representation before the Government for obtaining any exemption U/s18(2) under Andhra Pradesh Land Reforms (COAH) Act.1973.

7. In the reference 3rd read above, the Spl.Chief Secretary and Chief Commissioner of Land Administration has stated that in view of the report of the Collector, SPS Nellore in the reference 2nd read above, under Section 18(2) of the A.P.Land Reforms (COAH) Act, 1973, the Government is competent to exempt the excess land from the provisions of the Act or otherwise. He has further stated that the matter is subjudice and pending at Lokayukta and Hon'ble High Court and requested for necessary action in the matter.

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8. The Government after careful examination of the proposal of the District Collector, SPS Nellore and Special Chief Secretary and Chief Commissioner of Land Administration, A.P., Hyderabad in the reference 2nd and 3rd read above have decided to consider the request of M/s SFR Resorts Pvt. Ltd. for exemption from the provisions of Section 18(1) in exercise of powers under section 18(2) of A.P.L.R. (COAH) Act, 1973, subject to the following conditions:

- a) that the exemption granted U/s 18(2) of A.P.L.R. (COAH) Act, 1973 would cease to apply to any extent which may be put to use at any time for agriculture purpose or a purpose ancillary thereto including Horticulture.
- b) that any further extent likely to be acquired by the applicant would be treated as surplus, unless exemption is obtained from the Competent Authority to such extent also.
- c) that the land should be utilized within three years from date of the order for the purpose of construction of building relating to the program for which exemption is sought and it should not be used for any other purpose.
- d) that the land should not be alienated in any manner whatsoever except by way of mortgagee to any bank or financial institutions as defined in clause (b) of Section 3 of the said Act, for the expansion of the said program.
- e) Exemption shall be given subject to condition to payment of conversion tax.
- f) the company has to withdraw all the cases pending before the Hon'ble High Court including the contempt case against the Government and also the case before the Hon'ble Lokayukta.
- g) exemption granted shall be revoked without notice and the land shall be subject to the provisions of the Act for breach of the conditions specified in items (a) to (f) above.

9. Now, therefore, in exercise of the powers conferred by section 18(2) of A.P.Land Reforms (COAH) Act, 1973, the Government of Andhra Pradesh hereby exempt the land measuring Acres 431 and 81 cents situated at Sy.No.339, Gundavolu village, Rapur (M), Nellore District from the provisions of Section 18(1) of A.P.Land Reforms (COAH) Act, 1973 in favour of SFR Resorts Pvt. Ltd., Nellore for development of Tourism subject to the conditions mentioned in para (8) above.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.R.MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Spl.Chief Secretary &
Chief Commissioner of Land Administration, A.P., Hyderabad.
The Collector, SPS Nellore District.
The Director, M/s SFR Resorts Pvt. Ltd.,
(through the Collector, SPS Nellore District)
Copy to: The Law (E) Deptt.
SF/SC.

//FORWARDED ::BY ORDER//

SECTION OFFICER